

NORRIS MCLAUGHLIN, P.A.

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Attorneys for Defendants, Rene Muijrers and ICONV SPRL

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LIVEUNIVERSE, INC.,

Plaintiff,

v.

RENE MUIJRERS, ICONV SPRL,
TECHIE HOSTING, INC,
VIRALHOG, LLC, CHRISTOPHER
VANDEVYVER, IVAN RUSSO,
KMMT, LLC, THEODORA
HATZIKOSTAS, BRENT MAGGIO,
RYAN BARTHOLOMEW, and
WAYNE ANASTASIAS,

Defendants.

THE HONORABLE ESTHER
SALAS, U.S.D.J.

THE HONORABLE JAMES B.
CLARK, U.S.M.J.

Civil Action No:

2:22-cv-4918-ES-JBC

Electronically Filed

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION TO DISMISS THE COMPLAINT IN ITS
ENTIRETY PURSUANT TO F.R.C.P. 12(B)(1)(2), (4), (5) & (6), AND
ALTERNATIVELY, BASED ON THE DOCTRINE OF FORUM NON-
CONVENIENS, F.R.C.P. 12(B)(6), OR PRECLUSION.**

To: All Counsel via ECF

PLEASE TAKE NOTICE that, on April 24, 2023 at 9:00 A.M., or as soon thereafter as counsel may be heard, the undersigned, counsel for the Moving Defendants, Rene Muijrers (“Muijrers”) and ICONV SPRL (“ICONV”) (together, the “ICONV Defendants”), apply before the United States District Court for the District of New Jersey for an Order dismissing the Complaint primarily for

ineffective service of process or lack of jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1),(2),(4),(5)&(6) or, in the alternative and only secondarily¹, based on the doctrine of forum non conveniens, as a result of Plaintiff's failure to state a claim under Fed. R. Civ. P. 12(b)(6), or due to preclusion as a matter of law.

PLEASE TAKE FURTHER NOTICE that the Moving Defendants will rely on the Brief, the Declaration of Rene Muijrers, and the Declaration of Nicholas A. Duston, Esq., filed herewith. Movants further request that the Court take judicial notice and consider all relevant papers from two nearly identical cases filed by Brad Greenspan or his company, Brad Greenspan v. Rene Muijrers, ICONV SPRL, and Techie Hosting, Inc., ESX-C-124-21, and Palisades Capital, Inc., v. Renee Muijrers, ICONV SPRL, and Techie Hosting, Inc., docket no. 2:21-cv-20054, pursuant to Fed. R. Evid. 202. Mina v. U.S. Dist. Ct. for E. Dist. of Pennsylvania, 710 Fed. Appx. 515, 518 (3d Cir. 2017) (taking judicial notice of relevant prior court records where a “prolific pro se litigant . . . filed seven actions . . . and eight appeals” in the prior four years). Lastly, to the extent such arguments apply to the claims against the Moving Defendants, they join in the legal arguments made by the other defendants in their respective motions to

¹ The alternative motions are made secondarily and without waiver of, or prejudice to, the Moving Defendants' primary positions that service was ineffective and the Court lacks jurisdiction over the claims in the Complaint.

dismiss this matter. A proposed form of Order granting this motion is also filed herewith.

Defendants request oral argument in the event that opposition is filed.

Dated: April 24, 2023

Respectfully submitted,
NORRIS McLAUGHLIN, P.A.

By: /s/ Nicholas A. Duston
Nicholas A. Duston
Attorneys for Defendants

DECLARATION OF SERVICE

Pursuant to 28 U.S.C. § 1746, I hereby declare that the foregoing notice and supporting documents referenced therein are being filed electronically with the Clerk of the Court and understand that they are being served electronically by the Court's CM/ECF System upon those counsel of record who receive electronic notices through the Court's CM/ECF System for the subject case.

I declare under penalty of perjury that the foregoing is true and correct.

NORRIS McLAUGHLIN, P.A.

By: /s/ Nicholas A. Duston
Nicholas A. Duston, Esq.

Dated: April 24, 2023